

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In re: MEDTRONIC, INC.,  
IMPLANTABLE DEFIBRILLATORS  
PRODUCTS LIABILITY LITIGATION.

Multidistrict Litigation No.  
05-1726 (JMR/AJB)

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**ORDER**

On Monday, January 30, 2006, the Court held an informal telephone conference in the above captioned litigation. Appearances were made by Plaintiff and Defense lead counsel. The Court during the conference considered a number of matters including the following:

1. Defendants requested that the Court consider amending the Pretrial Order of January 20, 2006, concerning the requirement that Medtronic notify patients or their counsel if Medtronic intended to conduct destructive testing on any device described in the Order that had been returned to Medtronic after being ex-planted from a patient. The Court has considered Medtronic's request in this regard and declines to amend the Order, and to the extent that the request is considered as a motion, the motion is **denied**.
2. Medtronic seeks to expand the time within which to file a reply brief from 15 days to 30 days. This motion is **denied**.
3. Plaintiffs seek a more detailed discovery schedule that addresses the time frame within which Defendants must serve objections to Plaintiff's first set

of written discovery. The Court has considered said request and makes the following Order:

- a. Plaintiffs must file their first set of written discovery on or before February 1, 2006.
- b. Defendants must serve their objections no later than February 13, 2006.
- c. Parties must complete good faith meet and confer on said objections by February 17, 2006.
- d. Any motion to compel or for protective order must be filed by February 21, 2006.
- e. Any oppositions to said motions must be filed by February 28, 2006. The undersigned Magistrate Judge will determine whether oral argument would be desirable and if so, will schedule a hearing as soon as possible thereafter.
- f. Defendant shall produce non-objectionable documents on a rolling basis beginning no later than March 3, 2006.
- g. Defendant shall provide substantive answers to non-objectionable written discovery no later than March 3, 2006.
- h. Defendant shall produce a supplemental privilege log no later than March 10, 2006.

Date: January 30, 2006

s/ Arthur J. Boylan  
ARTHUR J. BOYLAN  
United States Magistrate Judge

## MEMORANDUM

A number of other matters were discussed in the informal telephone conference conducted on January 30. Many of those issues have been resolved between the parties and will be subject to stipulations which will be hereafter filed together with proposed orders for the Court's signature. The Court considered Plaintiffs' request for an expedited motion schedule for interim relief but does not believe that an order setting forth the schedule is necessary at this time. The Court likewise considered Plaintiffs' suggestions for mandatory mediation discussions. No court ordered mediation discussions are going to be scheduled at this time. The Court encourages the parties to continue any discussion between them that leads to resolution of any issues that may arise in this litigation.

AJB